

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|  |   |                                   |
|--|---|-----------------------------------|
| KAREN KAPP, <i>individually and as</i>               | ) |                                   |
| <i>Administrator of the Estate of her minor son,</i> | ) |                                   |
| ZACHARY PROPER,                                      | ) | Civil Action No. 16-1380          |
|  | ) | Magistrate Judge Maureen P. Kelly |
| Plaintiff,   | ) |                                   |
|  | ) |                                   |
| v.   | ) |                                   |
|  | ) |                                   |
| JOHN E. WETZEL, ERIC BUSH, ROBERT                    | ) |                                   |
| MARSH, MHM SERVICES, MURRAY                          | ) |                                   |
| THOMPSON, YIN HA YUN, KAREN                          | ) |                                   |
| MARUSA, and MARK NICHOLSON,                          | ) |                                   |
|  | ) |                                   |
| Defendants.  | ) |                                   |

**HEARING MEMO**

HEARING HELD: Scheduling Conference  
DATE HEARING HELD: November 5, 2018  
BEFORE: Magistrate Judge Maureen P. Kelly

Appearing for Plaintiff:  
Margaret Schuetz Coleman, Esquire  
Alexander Wright, Esquire

Appearing for Defendants:  
J. Eric Barchiesi, Esquire  
Yana L. Warshafsky, Esquire

Hearing began at 9:57 a.m.

Hearing concluded at 10:22 a.m.

Stenographer: Sandra Wenger

**OUTCOME:**

1. Discussed continuance of trial.
2. Addressed new trial date. Case will be scheduled to commence trial beginning with jury selection on Tuesday, February 19, 2019 (assuming the case currently scheduled for trial on that date settles). Final pretrial conference scheduled for Wednesday, February 6, 2019 at 1:30 p.m. All previous rulings and orders remain in effect.
3. Court informed counsel of minor change to Judge's Opening Instructions to Jury. On

page 5-6, Defendants will be referred to by the Court as licensed psychologist and psychological services specialist, consistent with their respective DOC titles.

4. As to Defendants' Motion to Supplement Defenses, ECF No. 121, the Court will issue an order granting leave to file and indicating that the issue of set-off will be addressed in the event of a verdict for Plaintiff. Plaintiff had no objection to this approach.

5. The case will closed and administratively stayed until the final pretrial conference in February.

6. The Court thanked counsel for their preparation for the trial and the manner in which they handled the issues that arose on Monday, October 29, 2018.